

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA
MIAMI DIVISION

CASE NO.: 1:23-CV-20417-RAR (Consolidated)

MARTINA FICHERA et. al.,

Plaintiffs,

v.

ZOETOP BUSINESS CO., LIMITED et. al.,

Defendants,

**JOINT MOTION TO MODIFY SCHEDULING ORDER, EXTEND DEADLINES AND
CONTINUE TRIAL DATE**

Plaintiffs, G&S Prints, PTE. LTD., Kenny Osinnowo, Francis Minoza and Laurence Minoza and Defendants Zoetop Business Co., Limited and Shein Distribution Corporation, by and through their undersigned counsel, hereby move this Court to extend the discovery deadline, scheduling order and continue trial date. In support thereof, the parties hereby state as follows:

1. In these consolidated cases, the Court's Order Setting Jury Trial Schedule, Requiring Mediation and Referring Certain Matters to Magistrate Judge (hereinafter, "Scheduling Order") [ECF 27¹] provides that by December 12, 2023 "[a]ll discovery, including expert discovery, shall be completed."

2. The parties have been actively conducting discovery in these consolidated actions, which has included exchanges of written discovery and some, but not all, responsive documents.

¹ All ECF references are to the low-numbered case in the consolidated proceeding, *Fichera v. Zoetop, et al*, Fl. S.D. No. 1:23-cv-20417-RAR. Plaintiff Fichera was recently dismissed (ECF No. 55). However, per the Court's order consolidating cases [ECF 19], the parties are continuing to file documents only in the *Fichera* case.

The parties had one prior discovery hearing before Magistrate Judge Becerra on August 10, 2023. ECF 46, 47. Since then, the parties have conducted three depositions – two of the four plaintiffs, as well as that of third party Sharp Shirter, Inc., the plaintiffs’ infringement agent.

3. The parties are currently meeting and conferring with one another on several discovery disputes. Counsel reached out to chambers for Judge Becerra on November 15, 2023 to set a discovery hearing, and her Chambers has indicated she will be out of the district the week after Thanksgiving and that the dispute hearing be set for the week of December 4th, 2023. Among the issues that counsel are currently conferring about is the scheduling and location of several additional depositions that, as well as motions to compel production of documents, including disputes about the assertion of attorney-client and common-interest privilege.

4. For the foregoing reasons, the parties have agreed to and hereby do respectfully request a continuance of future deadlines² set by the Court in its scheduling order [ECF 27] as follows:

<i>Deadline</i>	<i>Current Date</i>	<i>Proposed New Date</i>
All discovery, including expert discovery, shall be completed	December 12, 2023	February 12, 2024
The parties shall file all pre-trial motions, including motions for summary judgment, and Daubert motions.	December 22, 2023	February 23, 2024
The parties shall submit a joint pre-trial stipulation, proposed jury instructions and verdict form, or proposed findings of fact and conclusions of law, as applicable, and shall file any	January 23, 2024	March 26, 2024

² The mediation deadline is omitted because the parties have already completed mediation and filed a mediation report. (ECF No. 48).

motions in limine (other than Daubert motions).		
Jury Trial	April 8, 2024 two-week trial calendar, with parties to appear at April 2, 2024 calendar call	The parties request to be put on the Court's trial calendar sometime in July.

5. The parties stipulate that the deadlines set by the current scheduling order [ECF No. 27] that have already elapsed (namely, the May 22, 2023 deadline to file all motions to amend pleadings or to join parties, and the November 14, 2023 deadline to exchange expert witness summaries or reports) are not intended to be extended by this stipulation.

6. There have been no prior requests for continuances of the foregoing trial, discovery and case management deadlines, and the parties agreed that no party would suffer prejudice as a result of this requested continuance.

Dated: November 21, 2023

Joel B. Rothman

Joel B. Rothman
Florida Bar No. 98220
Joel.rothman@sriplaw.com
Layla T. Nguyen
Florida Bar No. 1024723
layla.nguyen@sriplaw.com

SRIPLAW, P. A.

21301 Powerline Road
Suite 100
Boca Raton, FL - 33433
561-826-6924 - Telephone
561-404-4353 - Facsimile

Respectfully submitted,

Oliver Alan Ruiz

Oliver Alan Ruiz
Florida Bar No. 524,786
oruiz@malloylaw.com
Cleo I. Suero
Florida Bar No. 1,024,675
csuero@malloylaw.com

MALLOY & MALLOY P.L.

2800 S.W. Third Avenue
Miami, Florida 33129
Telephone (305) 858-8000

Morgan E. Pietz
Admitted pro hac vice
Cal. Bar No. 260629

*Counsel for Consolidated Plaintiffs
Kenny Osinnowo, G&S Prints PTE LTD.,
Francis Minoza and Laurence Minoza*

morgan@pstrials.com

PIETZ & SHAHRIARI, LLP
6700 S. Centinela Ave., 2nd Fl.
Culver City, CA 90230
(310) 424-5557

*Counsel for Defendants Shein Distribution
Corp. and Zoetop Business Co., Limited.*